



STATE BOARD OF EQUALIZATION

450 N STREET, SACRAMENTO, CALIFORNIA  
PO BOX 942879, SACRAMENTO, CALIFORNIA 94279-0080  
(916) 322-2270 • FAX (916) 324-3984  
www.boe.ca.gov

BETTY T. YEE  
First District, San Francisco

BILL LEONARD  
Second District, Ontario/Sacramento

MICHELLE STEEL  
Third District, Rolling Hills Estates

JUDY CHU, Ph.D.  
Fourth District, Los Angeles

JOHN CHIANG  
State Controller

RAMON J. HIRSIG  
Executive Director

**STATE BOARD OF EQUALIZATION MEETING**  
**450 N Street, Room 121, Sacramento**  
**December 16-17, 2008**

**PRELIMINARY RECORD OF BOARD ACTION**

**Tuesday, December 16, 2008**

The following is a preliminary record of Board actions taken at the December 16-17, 2008 Board Meeting. This is not an official record and is subject to correction or modification. The official record of the Board's actions is the minutes of the Board, which will be adopted at a subsequent meeting.

The Board's decision reflects only the issues resolved by the Board at the meeting. Issues resolved prior to the meeting are not reflected in this document.

If you would like specific information regarding items on this Preliminary Record of Board Action, please telephone Joann Richmond at (916) 322-1931 or e-mail: [Joann.Richmond@boe.ca.gov](mailto:Joann.Richmond@boe.ca.gov). Please be advised that material containing confidential taxpayer information cannot be publicly disclosed.

**Board Committee Meetings**— Please see Page 25, O. Adoption of Board Committee Reports and Approval of Committee Actions, for voting results.

**Board Meeting**

A. Homeowner and Renter Property Tax Assistance Hearings  
There are no items for this matter.

**B. Corporate Franchise and Personal Income Tax Hearings**

B1. Home Depot U.S.A., Inc., 298683

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayers' appeal granted.	Dr. Chu	No
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	No
	Mr. Chiang/ Ms. Mandel	Yes

## B2. James F. Brown and Lynnae L. Brown, 423373

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayers' appeal denied.	Dr. Chu	Yes
	Mr. Leonard	No
	Ms. Steel	No
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

## B3. Byron S. Georgiou, 435061 – Appearance Waived

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayers' appeal denied.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Not participating

## B4. Shalimar Lea Beach, 421276

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayers' appeal denied.	Dr. Chu	Yes
	Mr. Leonard	No
	Ms. Steel	No
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

## B5. Christine A. Baker, 441209

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayers' appeal denied.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

## B6. Michael L. Cate, 441278

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayers' appeal denied.	Dr. Chu	Yes
A \$750.00 frivolous appeal penalty was ordered.	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

**C. Sales and Use Tax Appeals Hearings**

These items are scheduled for Wednesday, December 17, 2008.

**D. Special Taxes Appeals Hearings**

This item is scheduled for Wednesday, December 17, 2008.

**E. Property Tax Appeals Hearings****Petition for Reassessment of Unitary Value**

## E1. Sprint PCS (2720), 457703 – “CF”

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's appeal partially granted/denied.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	No
	Ms. Yee	Yes
	Mr. Chiang	Yes

**F. Public Hearings**

These items are scheduled for Wednesday, December 17, 2008.

**G. Tax Program Nonappearance Matters – Consent**

## G1. Legal Appeals Matters

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved staff recommendations.	Dr. Chu	Yes
No final determination on sub-item 6.	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

- Petitions for Rehearing
  1. Sierra Textile Company, LP, 301401 (EH)
  2. Robere's Jewelry, Inc., 220461 (FH)
- Hearing Notice Sent – No Response
  3. Joginder Lal, 340507 (KH)
  4. Carl Joseph Kennedy III, 349941 (KH)
  - 5a. Michael D. Sanders, 295375 (KH)
  - 5b. Sally A. Sanders, 295376 (KH)
  6. ~~Cindy A. Saito, 339713 (KH)~~
- Hearing Notice Sent – Appearance Waived
  7. The Kordahl Trust Dated 02/22/92, 359922 (UT)
  8. Touch 99 Corporation, 301273, (BH)

## G2. Franchise and Income Tax Matters

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved staff recommendations.	Dr. Chu	Yes
No final determination on sub-item 11.	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

- Decisions
  1. Jose R. Angeles, 400667
  2. Jeanine M. Artmont, 406115
  3. Marco A. Cerda, 358728
  4. Drew E. Collins and Linda G. Collins, 406111
  5. Patricia C. Fleming, 401328
  6. Manley A. Golson, 437522
  7. James Griffen and Patricia Griffen, 379667
  8. Roger A. Grubic and Janice F. Grubic, 380418
  9. Jack D. Lawrence, Jr., 404660
  10. K. Linda Lawrence, 401347
  11. ~~Personal Selling Power, Inc., 380557~~
  12. Roger O. Schafer and Frances F. Schafer, 398947
  13. Laura J. Tennison, 402863
- Petitions for Rehearing
  14. Carlos M. Alcala and Norma Alcala, 259159
  15. William Amonette Anderson, 397348
  16. Greg Galaski, 383410
  17. Bryon Hoffman, 381469
  18. Shawn Mills, 402021
- Hearing Notice Sent – No Response
  19. Charles H. Bond, 421271
  20. Thao Nguyen and Phucy Nguyen, 360304
  21. John H. Vories, 389158
  22. Gregg Shanberg, 402904

- Hearing Notice Sent – Appearance Waived
  - 23. Alexander Kazerani, 342393
  - 24. David L. Lee and Ellen W. Lee, 345434

### G3. Homeowner and Renter Property Tax Assistance Matters

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved staff recommendations.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

- Decisions
  - 1. Charlotte Agcaoili, 400309
  - 2. Gloria Anderson, 431962
  - 3. Odette Baladi (Deceased), 389577
  - 4. Jeanne Cervantes, 431542
  - 5. Francisco M. Curiel, 422996
  - 6. Charles Warren Esler, 380523
  - 7. Kadedra Monique Fowler, 397208
  - 8. Roy A. Harrington, 400305
  - 9. Michael S. Jewett, 422819
  - 10. Shonna Krogh, 386513
  - 11. Marie Patton, 382020
  - 12. Hubert O. Ross, 401187
  - 13. James Royer Segovia, 394603

### G4. Sales and Use Taxes Matters

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved staff recommendations.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes – except not participating in sub-items 14 and 18.

- Redeterminations
  - 1. Los Angeles Department of Water and Power, 354588 (AA)
  - 2. The Merchant of Tennis, Inc., 293594 (AS)
  - 3. Aixtron, Inc., 342572 (GH)
  - 4. Fry's Electronics, Inc., 361957 (GH)
  - 5. Gulfstream Aerospace Corporation, 332200 (OH)
  - 6. Los Angeles Department of Water and Power, 353893 (AA)

7. Masimo Corporation, 378525 (EA)
8. Gateway 2000 Major Accounts, Inc., 333468 (OH)
9. OCB, LLC, 423343 (EA)
10. Henry E. Solowiej, 379793 (EA)
- Relief of Penalty/Interest
  11. Stock Building Supply West, Inc., 465210 (OH)
  12. Raley's, 465314 (JH)
  13. S. B. Restaurant Co., 464385 (AA)
- Denials of Claims for Refund
  14. Wells Fargo Bank, 424234 (BH)
  15. Diageo North America, Inc., 356849 (OH)
  16. Thiel Structural Steel, Inc., 318432 (KH)
  17. San Gabriel Insulation, Inc., 402679 (AP)
  18. Best Buy Store, LP, 436923 (OH)
  19. Capital One Auto Finance, Inc., 296983 (OH)

G5. Sales and Use Taxes Matters – Credits, Cancellations, and Refunds

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved staff recommendations.	Dr. Chu	Yes
No final determination on sub-item 27.	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes – except not participating in sub-items 11 and 21.

1. PC Mall Sales, Inc., 405670 (AS)
2. Aixtron, Inc., 465799 (GH)
3. Aptix Corporation, 293456 (GH)
4. Evans Communications, 465351 (KH)
5. DSW Shoe Warehouse, Inc., 465507 (OH)
6. Rajmp, Inc., 463856 (FH)
7. Lexington Acquisition, Inc., 435022 (AC)
8. Bonnie Lee Kehoe, 465496 (KH)
- Refunds
  9. Ascent Media Creative Services, Inc., 464413 (BH)
  10. Sourcecorp BPS Southern California, Inc., 331812 (OH)
  11. Arco Material Supply Company, 440264 (AS)
  12. Chevron U.S.A., Inc., 464364 (BH)
  13. PC Mall Sales, Inc., 465205 (AS)
  14. Palm Springs Motor, Inc., 433713 (EH)
  15. Acushnet Company, 424506 (OH)
  16. North Island Financial Credit Union, 417198 (FH)
  17. National Semiconductor Corporation, 317036 (GH)
  18. Intevac, Inc., 437742 (GH)
  19. Maxtor Corporation, 462979 (GH)
  20. The Golden 1 Credit Union, 460242 (KH)
  21. Exxon Mobil Corporation, 234706 (OH)

22. Bloomberg, LP, 388172 (OH)
23. Color Control, Inc., 360146 (OH)
24. Opex Corporation, 465613 (OH)
25. Zenith Insurance Company, 351533 (AC)
26. Chevron Credit Bank, National Association, 447146 (CH)
27. ~~UPS Oasis Supply Corporation, 340492 (OH)~~
28. Covad Communications Company, 390374 (GH)
29. Banana Republic (California), LLC, 351407 (BH)
30. Old Navy (California), LLC, 351348 (BH)
31. Taylor Made Golf Company, Inc., 462276 (FH)
32. Village Nurseries Wholesale, LLC, 464334 (EA)
33. Cardinal Health 415, Inc., 266959 (AC)
34. Frank Kofsuske, 272134 (BH)
35. Hold Everything, Inc., 465637 (BH)
36. World Wide Parts & Accessories Corp., 420190 (CH)
37. Wescom Credit Union, 460973 (AP)
38. Philips Semiconductors, Inc., 465636 (GH)
39. SCE Federal Credit Union, 349664 (AP)
40. Comprehensive Diagnostic Imaging, 263731 (AC)
41. Capital One Auto Finance, Inc., 296983 (OH)
42. A-L Financial Corp., 460248 (EA)
43. K.D.M. Enterprises, 426881 (EH)
44. Wesco Tool & Equipment Rental, LLC, 394307 (AS)
45. Dentsply Prosthetics U. S., LLC 417199 (OH)
46. Kern Schools Federal Credit Union, 451301 (AR)
47. Chevron Credit Bank, National Association, 447147 (CH)

#### G6. Special Taxes Matters

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved staff recommendations.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes – except not participating in sub-item 3.
	Ms. Yee	Yes
	Mr. Chiang	Yes

#### ➤ Relief of Penalty

1. Life Insurance Company of North America, 463960 (ET) **'CF'**
2. Endurance Reinsurance Corporation of America, 465642 (ET) **'CF'**

#### ➤ Denials of Claim for Refund

3. Conocophillips Company, 441890 (MT)

## G7. Special Taxes Matters – Credits, Cancellations, and Refunds

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved staff recommendations.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

## ➤ Refunds

1. Chevron USA, Inc., 464117 (MT)
2. CM Life Insurance Company, 457463 (ET) **'CF'**
3. Tower Insurance Company of New York, 461948 (ET) **'CF'**

## G8. Property Tax Matters

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved staff recommendations.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

## ➤ Petitions for Reassessment of Private Railroad Car Tax

1. INEOS Olefins & Polymers USA, LLC (5711), 465161 **'CF'**
2. Trinity Industries Leasing Company (5758), 465160 **'CF'**
3. Azteca Milling, LP (5754), 465150 **'CF'**
4. BP Corporation North America, Inc. (540), 465350 **'CF'**
5. Conagra Foods (MHC, Inc.) (5761), 465348 **'CF'**

## ➤ Timber Tax Yield Tax Claim for Refund

6. Maribeth W. Collins, et al., #2, 468222

There are no items for these matters:

G9. Cigarette License Fee Matters

G10. Legal Appeals Property Tax Matters



**H. Tax Program Nonappearance Matters – Adjudicatory****H1. Legal Appeals Matters**

## ➤ Cases Heard But Not Decided

1a. Trung Duc Trinh and Shelly C. Yun-Trinh, 330253 (AS)

1b. Shaya Beverly Center, Inc., 330254 (AS)

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayers petition partially granted/denied.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

2. Ibrahim D. Ibrahim and Sahar Ibrahim, 310288 (EH)

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition partially granted/denied.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

3. ~~Danny Kangsok Kim, 386898 (EA)~~

4. Cities of Los Angeles and San Jose, 352192

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Petitioner's petition denied.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

## ➤ Local Tax Reallocation Hearings

5. Cities of Torrance and Los Angeles, 469251

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Petitioner's request for rehearing granted.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	No
	Mr. Chiang/ Ms. Mandel	Yes

## 6. Cities of South San Francisco and Los Angeles, 469250

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Petitioner's request for rehearing granted.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

## 7. County of Los Angeles, 469243

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Petitioner's request for rehearing granted.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

## 8. Cities of Pomona and Los Gatos, 469261

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Petitioner's request for rehearing granted.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

## 9. City of Compton, 469256

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Petitioner's request for rehearing granted.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	No
	Mr. Chiang/ Ms. Mandel	Yes

## 10. City of Union City, 469296

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Petitioner's request for rehearing granted.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

## H2. Franchise and Income Tax Matters

## ➤ Decisions

## 1. John P. Fields and N. Carol Fields, 361390

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition denied.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

## 2. Pete Hernandez, 378089

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition partially granted/denied.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

## ➤ Petitions for Rehearing

## 3. Kenneth Banks, 327922

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition denied.	Dr. Chu	Yes
	Mr. Leonard	No
	Ms. Steel	No
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

## 4. John Cirino and Sepideh Cirino, 361476

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
No final determination.	Dr. Chu Mr. Leonard Ms. Steel Ms. Yee Mr. Chiang/ Ms. Mandel	

## 5. Swift Transportation Company, Inc., and Swift Transportation Corporation, 266318

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition granted.	Dr. Chu Mr. Leonard Ms. Steel Ms. Yee Mr. Chiang/ Ms. Mandel	No Yes Yes No Yes

## H3. Homeowner and Renter Property Tax Assistance Matters

## ➤ Decision

## 1. Allan Walden, 383500

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition denied.	Dr. Chu Mr. Leonard Ms. Steel Ms. Yee Mr. Chiang/ Ms. Mandel	Yes Yes Yes Yes Yes

## H4. Sales and Use Taxes Matters

There are no items for this matter.

## H5. Sales and Use Taxes Matters – Credits, Cancellations, and Refunds

## ➤ Credits and Cancellations

## 1. Infinity Material Management Solutions, 379564 (GH)

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition approved.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

## ➤ Refunds

## 2. Gottschalks, Inc., 441170 (KH)

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition partially granted/denied.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

## 3. The Mercury Trust, 374580 (UT)

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition approved.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

There are no items for the following matters:

H6. Special Taxes Matters

H7. Special Taxes Matters – Credits, Cancellations, and Refunds

H8. Property Tax Matters

H9. Cigarette License Fee Matters

## H10. Legal Appeals Property Tax Matters

## ➤ Petitions for Reassessment of Unitary Value

## 1. Golden State Water Company (101), 457748 'CF'

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition denied.	Dr. Chu	Yes
	Mr. Leonard	No
	Ms. Steel	No
	Ms. Yee	Yes
	Mr. Chiang	Yes

## 2. San Diego Gas &amp; Electric Company (0141), 458198 'CF'

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition denied.	Dr. Chu	Yes
	Mr. Leonard	No
	Ms. Steel	No
	Ms. Yee	Yes
	Mr. Chiang	Yes

## 3. Verizon California, Inc. (201), 458200 'CF'

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition partially granted/denied.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

## 4. Pacific Bell Telephone Company (279), 451533 'CF'

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition partially granted/denied.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

## 5. Dynegy Moss Landing, LLC (1103), 458195 'CF'

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition denied.	Dr. Chu	Yes
	Mr. Leonard	No
	Ms. Steel	No
	Ms. Yee	Yes
	Mr. Chiang	Yes

## 6. La Paloma Generating Company, LLC (1112) 457485 'CF'

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition denied.	Dr. Chu	Yes
	Mr. Leonard	No
	Ms. Steel	No
	Ms. Yee	Yes
	Mr. Chiang	Yes

## 7. Reliant Energy Mandalay, LLC (1114), 457861 'CF'

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition denied.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

## 8. Reliant Energy Ormond Beach, LLC (1115) 457862 'CF'

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition denied.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

## 9. Reliant Energy Etiwanda, LLC (1116), 457863 'CF'

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition denied.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

## 10. Mountainview Power Company, LLC (1119), 458202 'CF'

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition denied.	Dr. Chu	Yes
	Mr. Leonard	No
	Ms. Steel	No
	Ms. Yee	Yes
	Mr. Chiang	Yes

## 11. GWF Energy, LLC – Hanford (1122), 457976 'CF'

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition denied.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

## 12. GWF Energy, LLC – Henrietta (1123), 457990 'CF'

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition denied.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

## 13. GWF Energy, LLC – Tracy (1124), 457997 'CF'

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition denied.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

## 14. Elk Hills Power, LLC (1126), 457487 'CF'

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition denied.	Dr. Chu	Yes
	Mr. Leonard	Not participating
	Ms. Steel	Not participating
	Ms. Yee	Yes
	Mr. Chiang	Yes



## 15. Delta Energy Center, LLC (1128), 457473 'CF'

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition denied.	Dr. Chu	Yes
	Mr. Leonard	No
	Ms. Steel	No
	Ms. Yee	Yes
	Mr. Chiang	Yes

## 16. Pastoria Energy Facility, LLC (1131), 457475 'CF'

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition denied.	Dr. Chu	Yes
	Mr. Leonard	No
	Ms. Steel	No
	Ms. Yee	Yes
	Mr. Chiang	Yes

## 17. Calpine Construction Finance Company, LP (1132), 457477 'CF'

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition denied.	Dr. Chu	Yes
	Mr. Leonard	No
	Ms. Steel	No
	Ms. Yee	Yes
	Mr. Chiang	Yes

## 18. Metcalf Energy Center, LLC (1133), 457478 'CF'

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition denied.	Dr. Chu	Yes
	Mr. Leonard	No
	Ms. Steel	No
	Ms. Yee	Yes
	Mr. Chiang	Yes

## 19. Qwest Communications Corporation (2463), 458009 'CF'

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition denied.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

## 20. AT&amp;T Mobility, LLC (2606), 451532 'CF'

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition partially granted/denied.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

## 21. Level 3 Communications, LLC (7761), 458194 'CF'

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition partially granted/denied.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

## 22. Pacific Pipeline System, LLC (486), 458193 'CF'

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition partially granted/denied.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Not participating
	Ms. Yee	Yes
	Mr. Chiang	Yes

## ➤ Petition for Penalty Abatement Unitary

## 23. EAS Communication, Inc. (7859), 450872 'CF'

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition denied.	Dr. Chu	Yes
	Mr. Leonard	No
	Ms. Steel	No
	Ms. Yee	Yes
	Mr. Chiang	Yes

## 24. Intelsat Global Service Corporation (7969), 458199 'CF'

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition denied.	Dr. Chu	Yes
	Mr. Leonard	No
	Ms. Steel	No
	Ms. Yee	Yes
	Mr. Chiang	Yes

## 25. Legent Communications Corporation (7978), 450873 'CF'

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition denied.	Dr. Chu	Yes
	Mr. Leonard	No
	Ms. Steel	No
	Ms. Yee	Yes
	Mr. Chiang	Yes

## 26. Utility Telephone, Inc. (7994), 450047 'CF'

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition denied.	Dr. Chu	Yes
	Mr. Leonard	No
	Ms. Steel	No
	Ms. Yee	Yes
	Mr. Chiang	Yes

**I. Tax Program Nonappearance Matters****11. Property Taxes Matters**

## ➤ Unitary Land Escaped Assessments

## 1.a. Sprint PCS (2720) 'CF'

## 1.b. Cricket Communications, Inc. (2762) 'CF'

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved staff recommendations.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

## ➤ Board Roll Changes

## 2. 2006, 2007 and 2008 Board Rolls of State-Assessed Property

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved staff recommendations.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

**I2. Offers-in-Compromise Recommendations**

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved staff recommendations.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

1. Herman Mendel

**Chief Counsel Matters**

J. Rulemaking

These items are scheduled for Wednesday, December 17, 2008.

There are no items for the following items:

K. Business Taxes

L. Property Taxes

M. Other Chief Counsel Matters

These items are scheduled for Wednesday, December 17, 2008.

**Administrative Session**

The following items are scheduled for Wednesday, December 17, 2008.

N. Consent Agenda

O. Adoption of Board Committee Reports and Approval of Committee Actions

P. Other Administrative Matters

**Q. Closed Session**

These items are scheduled for Wednesday, December 17, 2008.



## STATE BOARD OF EQUALIZATION

450 N STREET, SACRAMENTO, CALIFORNIA  
 PO BOX 942879, SACRAMENTO, CALIFORNIA 94279-0080  
 (916) 322-2270 • FAX (916) 324-3984  
[www.boe.ca.gov](http://www.boe.ca.gov)

BETTY T. YEE  
 First District, San Francisco

BILL LEONARD  
 Second District, Ontario/Sacramento

MICHELLE STEEL  
 Third District, Rolling Hills Estates

JUDY CHU, Ph.D.  
 Fourth District, Los Angeles

JOHN CHIANG  
 State Controller

RAMON J. HIRSIG  
 Executive Director

**STATE BOARD OF EQUALIZATION MEETING**  
**450 N Street, Room 121, Sacramento**  
**December 16-17, 2008**

**PRELIMINARY RECORD OF BOARD ACTION**

**Wednesday, December 17, 2008**

The following is a preliminary record of Board actions taken at the December 16-17, 2008 Board Meeting. This is not an official record and is subject to correction or modification. The official record of the Board's actions is the minutes of the Board, which will be adopted at a subsequent meeting.

The Board's decision reflects only the issues resolved by the Board at the meeting. Issues resolved prior to the meeting are not reflected in this document.

If you would like specific information regarding items on this Preliminary Record of Board Action, please telephone Joann Richmond at (916) 322-1931 or e-mail: [Joann.Richmond@boe.ca.gov](mailto:Joann.Richmond@boe.ca.gov). Please be advised that material containing confidential taxpayer information cannot be publicly disclosed.

**C. Sales and Use Tax Appeals Hearings**

C1. ABC-NACO, Inc., 167411 (OH)

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
No final Board determination.	Dr. Chu	Yes
The Board ordered that the petition be submitted for decision, granting the petitioner 30 days to file supporting documents, the Department 30 days to respond, and the Appeals Division 30 days thereafter to review the petitioner's supporting documents, the Department's response and provide its recommendation to the Board.	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

## C2. R. Nuri Otus, 308720 (BH)

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition denied.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

## C3. R.C.P. Block &amp; Brick, Inc., 283573, 283514 (FH)

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition/claim denied.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

**D. Special Taxes Appeals Hearing**

## D1. Fassel M. Elder and Amal Elder, 272656 (MT)

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
No final Board determination. Postponed to the January 21-22, 2009 Board Meeting.	Dr. Chu	
	Mr. Leonard	
	Ms. Steel	
	Ms. Yee	
	Mr. Chiang/ Ms. Mandel	

**Public Hearings**

## F1. Timber Yield Tax Rate

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved staff recommendation.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

## F2. Timber Harvest Values

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved staff recommendation.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

F3. Proposed Amendments to Sales and Use Tax Regulations 1506, *Miscellaneous Services Enterprises* and 1524, *Manufacturers of Personal Property*

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved staff recommendation.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

F4. Proposed Amendments to Sales and Use Tax Regulation 1705, *Relief from Liability*

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved staff recommendation.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

**Chief Counsel Matters****Rulemaking**

## J1. Petition to Adopt a Regulation to Designate Qualified Veteran Itinerant Vendors as Consumers of Tangible Personal Property

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
No final determination.	Dr. Chu	Yes
The board directed staff to submit a request for an opinion from the Attorney General and report response to the Board.	Mr. Leonard	No
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

J2. Proposed Amendment to Conflict of Interest Code, Regulation 6001,  
*General Provisions*

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved staff recommendation.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

J3. Proposed Amendments to Sales and Use Tax Regulation 1620,  
*Interstate and Foreign Commerce*

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved staff recommendation.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

J4. Proposed Amendments to Sales and Use Tax Regulation 1502,  
*Computers, Programs, and Data Processing*

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved staff recommendation.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

**M. Other Chief Counsel Matters**

M1. Proposed Amendments to the Rules of Order

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved staff recommendation.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes



**M2. Retired Annuitant – Hiring Delegation**

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved staff recommendation.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

**Administrative Session****N. Consent Agenda**

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved staff recommendations.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

**N1. Approval of Board Employee Retirement Resolutions**

- Gary L. Evans
- Wolfgang Liebelt
- Hue T. Nguyen
- Robert Wils

**N2. Approval of Board Meeting Minutes**

- October 28-29, 2008

**N3. Approval of Proposed Revisions to Compliance Policy and Procedures Manual Chapter 4, Security****N4. Approval of Adjustment of Sales Tax Prepayment Rate on Motor Vehicle Fuel, Diesel Fuel and Jet Fuel****O. Adoption of Board Committee Reports and Approval of Committee Actions****O1. Legislative Committee**

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Adopted committee report and approved the actions therein.  For details see: <a href="http://www.boe.ca.gov/legdiv/legmeetings08.htm">http://www.boe.ca.gov/legdiv/legmeetings08.htm</a>	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

**I. 2009 Legislative Proposals****Property Taxes**

- 1-1 ~~Add section 62.3 to the Revenue and Taxation Code to provide an exclusion from a change in ownership when two individuals own a principal residence together (as joint tenants or tenants in common) and the property transfers from one cotenant to the other upon the death of the transferor cotenant with the survivor cotenant obtaining sole ownership of the property.~~
- 1-2 Amend Revenue and Taxation Code section 276, related to the Disabled Veterans' Exemption, to delete obsolete references to prior exemption amounts that have since been increased, and to correct a transposition error within that section that intends a cross reference to section 4985. (Housekeeping)

<u>POSITION</u>	<u>MEMBER</u>	<u>COMMITTEE VOTE</u>
Approved staff recommendation.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

- 1-3 Amend Revenue and Taxation Code section 441 to eliminate a requirement that owners of noncommercial boats with an initial cost of more than \$100,000 file a property statement every year.

<u>POSITION</u>	<u>MEMBER</u>	<u>COMMITTEE VOTE</u>
Approved staff recommendation.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

- 1-4 Amend Government Code section 15641 to clarify that a cross reference to "section 408" refers to that section of code in the Revenue and Taxation Code rather than the Government Code. (Technical)

<u>POSITION</u>	<u>MEMBER</u>	<u>COMMITTEE VOTE</u>
Approved staff recommendation.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

- 1-5 Amend Revenue and Taxation Code sections 480.3 and 480.4 to remove the specific detail of the Preliminary Change in Ownership Report from statute and instead authorize the Board to prescribe the form after consultation with the California Assessors' Association and interested parties.

<u>POSITION</u>	<u>MEMBER</u>	<u>COMMITTEE VOTE</u>
Approved staff recommendation.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

- ~~1-6 Amend Government Code section 15606.5 and Revenue and Taxation Code sections 670 and 671 to expressly allow the Board to deliver online continuing education training to certificated property tax appraisers through established web-based systems maintained by community colleges that charge fees for online courses.~~

- 1-7 Amend Revenue and Taxation Code sections 69 and 69.3 to treat land and improvements as separate units in meeting the "substantially damaged or destroyed" threshold of 50% for purposes of qualifying for disaster relief via a base year value transfer.

<u>POSITION</u>	<u>MEMBER</u>	<u>COMMITTEE VOTE</u>
Approved staff recommendation.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

- 1-8 Amend Revenue and Taxation Code section 214.6 to clarify the filing procedures for obtaining a property tax exemption on property owned by a church or a nonprofit organization that is leased to a public school, community college, state college, or state university, including the University of California.

<u>POSITION</u>	<u>MEMBER</u>	<u>COMMITTEE VOTE</u>
Approved staff recommendation.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

## Business Taxes

- 2-1 Add sections 6591.6, 7655.5, 8876.5, 12631.5, 30281.5, 32252.5, 40101.5, 41095.5, 43155.5, 45153.5, 46154.5, 50112.6, 55042.5, and 60207.5 to the Revenue and Taxation Code to impose interest on a daily basis in cases where the Board, itself, meeting as a public body finds, taking into account all facts and circumstances, that it would be inequitable to impose an entire month's interest on a prepayment or payment made one day late, under specified circumstances.

<u>POSITION</u>	<u>MEMBER</u>	<u>COMMITTEE VOTE</u>
Approved staff recommendation.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

## Business Taxes – Sales and Use Taxes

- 3-5 Add Revenue and Taxation Code section 6018.3 to the Sales and Use Tax Law to specify that a United States veteran, as specified, shall be regarded as a consumer, rather than a retailer, of food products and nonalcoholic beverages that he or she sells, provided that, for purposes of selling these items, the veteran has no employees and no permanent place of business, as defined.

<u>POSITION</u>	<u>MEMBER</u>	<u>COMMITTEE VOTE</u>
No final determination.	Dr. Chu	
	Mr. Leonard	
	Ms. Steel	
	Ms. Yee	
	Mr. Chiang/ Ms. Mandel	

- 3-6 Add section 6363.4 to the Revenue and Taxation Code to provide an exemption from the sales and use tax, sales of tangible personal property by thrift stores operated by specified nonprofit organizations that provide, in partnership with the Navy and Marine Corps, financial, educational, and other assistance to members of the Naval Service of the United States, eligible family members, and survivors when in need.

<u>POSITION</u>	<u>MEMBER</u>	<u>COMMITTEE VOTE</u>
Approved staff recommendation.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

- 3-7 Amend Revenue and Taxation Code sections 6011 and 6012 to eliminate the sales and use tax exclusion for separately stated charges for transportation.

<u>POSITION</u>	<u>MEMBER</u>	<u>COMMITTEE VOTE</u>
No final determination.	Dr. Chu	
	Mr. Leonard	
	Ms. Steel	
	Ms. Yee	
	Mr. Chiang/ Ms. Mandel	

#### Administration

- 5-1 Amend Government Code section 15609 to require the Members of the Board to meet monthly in the state but not exclusively in Sacramento.

<u>POSITION</u>	<u>MEMBER</u>	<u>COMMITTEE VOTE</u>
Approved staff recommendation.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

#### O2. Customer Services and Administrative Efficiency Committee

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Adopted committee report. For details see: <a href="http://www.boe.ca.gov/meetings/custsrv/custsrv08.htm">http://www.boe.ca.gov/meetings/custsrv/custsrv08.htm</a>	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

#### P. Other Administrative Matters

There are no items for the following matters:

- P1. Executive Director's Report
- P2. Chief Counsel Report

## P3. Deputy Director's Report

## a. Sales and Use Tax

1. Collection Enhancement Task Force Update+

Update on activities and accomplishments for the Enhancing Collections Task Force including responses to SEIU's May 2008 report titled *SEIU Local 1000 Findings and Recommendations on Methods to Enhance Tax Collections* and an updated Task Force Action Plan.

2. Issue Paper 08-014, Proposal to Raise the Threshold for Board Member Approval of Refunds in Excess of \$50,000+

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
No final determination. Postponed to the March meeting.	Dr. Chu Mr. Leonard Ms. Steel Ms. Yee Mr. Chiang/ Ms. Mandel	

b. Property and Special Taxes  
There are no items for this matter.

## c. Administration

1. Request for approval of contracts over \$1 Million+a. A contract with International Network Consulting to provide Systems Analysts for the e-services expansion project.+

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved.	Dr. Chu Mr. Leonard Ms. Steel Ms. Yee Mr. Chiang/ Ms. Mandel	Yes Yes Yes Yes Yes

- b. A contract with International Network Consulting to provide programmers for the e-services expansion project.+

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved.	Dr. Chu	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

2. Facilities Update

- a. New York Office Relocation
- b. Status of on-going projects at 450 N Street
- c. Building Repair Costs+  
A review of the information provided by DGS on the actual costs to date for the building repairs and the estimated costs for the pending projects.

3. Fiscal Update

- a. Budget Update 2008/09 +  
This update will include highlights of BOE's fiscal year 2008/09.
- b. Budget Update 2009/10 +  
This update will include the status of BOE's fiscal year 2009/10 Budget Change Proposals.
- c. 2010/11 Budget Preparation Tentative Schedule +  
This update will include an overview of BOE's tentative schedule for the fiscal year 2010/11 budget cycle.
- d. Update on Governor's Special Session for the 2008/09 Budget  
This update will include information on the Governor's special session proposals that affect the BOE and its employees.

**Q. Closed Session**